

HOUSE BILL 725

G1

2lr0374

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – County Council Special Elections – Voting by Mail**

3 **MC 5–12**

4 FOR the purpose of requiring that voting by mail be utilized in certain special
5 elections for the Montgomery County Council; specifying the application of
6 certain provisions of law to a special election for the Montgomery County
7 Council; requiring the local board of elections to mail a vote–by–mail ballot to
8 each active registered voter who is eligible to vote in a certain special election;
9 specifying that a voter is not required to submit an application to receive a
10 vote–by–mail ballot; requiring that a postage–paid envelope be provided in
11 which a voter may return a vote–by–mail ballot to the local board; requiring the
12 local board to issue a replacement vote–by–mail ballot to a voter under certain
13 circumstances; requiring the Montgomery County Council to establish the date
14 of a special election; specifying certain deadlines for candidate filing, ballot
15 certification, and mailing of vote–by–mail ballots to voters; requiring the local
16 board to establish at least one polling place for the use of any eligible voter who
17 chooses to cast a ballot in person in a special election; specifying certain
18 requirements for a polling place established by the local board; authorizing the
19 local board to establish a polling place during a certain time period; requiring a
20 voter to return a vote–by–mail ballot by certain methods; authorizing a voter to
21 designate an agent to return a vote–by–mail ballot to the local board; requiring
22 that a vote–by–mail ballot be returned to the local board by certain deadlines to
23 be considered timely and be counted; providing for the application of this Act;
24 requiring the State Board of Elections to adopt regulations as necessary to
25 implement this Act; and generally relating to voting by mail in special elections
26 for the Montgomery County Council.

27 BY adding to

28 Article – Election Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–501 through 9–507 to be under the new subtitle “Subtitle 5. Voting by
2 Mail”
3 Annotated Code of Maryland
4 (2010 Replacement Volume and 2011 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Election Law**

8 **SUBTITLE 5. VOTING BY MAIL.**

9 **9–501.**

10 (A) THIS SUBTITLE APPLIES ONLY TO A SPECIAL ELECTION FOR THE
11 MONTGOMERY COUNTY COUNCIL THAT IS NOT HELD CONCURRENTLY WITH A
12 REGULARLY SCHEDULED PRIMARY OR GENERAL ELECTION.

13 (B) VOTING BY MAIL SHALL BE UTILIZED IN A SPECIAL ELECTION FOR
14 THE MONTGOMERY COUNTY COUNCIL IN ACCORDANCE WITH THIS SUBTITLE.

15 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

16 (1) PROVISIONS OF THIS ARTICLE RELATING TO ABSENTEE
17 VOTING APPLY TO VOTING BY MAIL; AND

18 (2) COUNTY LAWS RELATING TO THE CONDUCT OF A COUNTY
19 COUNCIL SPECIAL ELECTION APPLY TO A SPECIAL ELECTION CONDUCTED
20 UNDER THIS SUBTITLE.

21 (D) PROVISIONS OF THIS ARTICLE RELATING TO THE CONDUCT OF
22 ELECTIONS APPLY TO A SPECIAL ELECTION CONDUCTED UNDER THIS SUBTITLE,
23 UNLESS A LAW SPECIFICALLY RELEVANT TO A SPECIAL ELECTION APPLIES.

24 **9–502.**

25 (A) THE LOCAL BOARD SHALL MAIL BY NONFORWARDABLE MAIL A
26 VOTE–BY–MAIL BALLOT TO EACH ACTIVE REGISTERED VOTER WHO IS ELIGIBLE
27 TO VOTE IN A SPECIAL ELECTION FOR THE MONTGOMERY COUNTY COUNCIL.

28 (B) A VOTER IS NOT REQUIRED TO SUBMIT AN APPLICATION TO
29 RECEIVE A VOTE–BY–MAIL BALLOT.

1 **(C) (1) EACH VOTE-BY-MAIL BALLOT SHALL BE ACCOMPANIED BY A**
2 **POSTAGE-PAID ENVELOPE IN WHICH A VOTER MAY RETURN THE VOTED BALLOT**
3 **TO THE LOCAL BOARD.**

4 **(2) THE LOCAL BOARD SHALL PAY THE COST OF POSTAGE-PAID**
5 **ENVELOPES PROVIDED UNDER THIS SUBSECTION.**

6 **(D) THE LOCAL BOARD SHALL ISSUE A REPLACEMENT VOTE-BY-MAIL**
7 **BALLOT TO A VOTER IF THE ELECTION DIRECTOR OF THE LOCAL BOARD HAS**
8 **REASONABLE GROUNDS TO BELIEVE THAT THE VOTE-BY-MAIL BALLOT**
9 **PREVIOUSLY ISSUED TO THE VOTER HAS BEEN LOST, DESTROYED, OR SPOILED.**

10 **9-503.**

11 **(A) (1) THE MONTGOMERY COUNTY COUNCIL SHALL ESTABLISH THE**
12 **DATE OF A SPECIAL ELECTION.**

13 **(2) THE DATE OF A SPECIAL ELECTION SHALL BE THE LAST DAY**
14 **ON WHICH A VOTER MAY MAIL A VOTE-BY-MAIL BALLOT TO THE LOCAL BOARD**
15 **FOR THE BALLOT TO BE CONSIDERED TIMELY.**

16 **(B) (1) THE DEADLINE FOR CANDIDATE FILING SHALL BE 75 DAYS**
17 **BEFORE THE DAY OF A SPECIAL PRIMARY ELECTION.**

18 **(2) VOTE-BY-MAIL BALLOTS SHALL BE CERTIFIED 60 DAYS**
19 **BEFORE THE DAY OF A SPECIAL ELECTION.**

20 **(3) THE LOCAL BOARD SHALL MAIL A VOTE-BY-MAIL BALLOT TO**
21 **EACH ELIGIBLE ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS**
22 **DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE**
23 **VOTING ACT 45 DAYS BEFORE THE DAY OF A SPECIAL ELECTION.**

24 **(4) THE LOCAL BOARD SHALL MAIL A VOTE-BY-MAIL BALLOT TO**
25 **EACH ELIGIBLE VOTER NOT INCLUDED IN PARAGRAPH (3) OF THIS SUBSECTION**
26 **20 DAYS BEFORE THE DAY OF A SPECIAL ELECTION.**

27 **9-504.**

28 **(A) THE LOCAL BOARD SHALL ESTABLISH AT LEAST ONE POLLING**
29 **PLACE FOR THE USE OF ANY ELIGIBLE VOTER WHO CHOOSES TO CAST A BALLOT**
30 **IN PERSON IN A SPECIAL ELECTION.**

31 **(B) A POLLING PLACE ESTABLISHED UNDER THIS SECTION SHALL:**

1 (1) BE LOCATED AT THE LOCAL BOARD OFFICE OR ANOTHER
2 LOCATION WITHIN THE COUNCIL DISTRICT WHERE THE SPECIAL ELECTION IS
3 BEING HELD;

4 (2) PROVIDE ACCESS TO A VOTING SYSTEM THAT IS ACCESSIBLE
5 TO VOTERS WITH DISABILITIES IN ACCORDANCE WITH THE FEDERAL
6 AMERICANS WITH DISABILITIES ACT AND THE FEDERAL HELP AMERICA VOTE
7 ACT; AND

8 (3) BE OPEN FOR VOTING BEGINNING THE DAY THAT THE
9 VOTE-BY-MAIL BALLOTS ARE MAILED TO VOTERS UNTIL 8 P.M. ON THE DAY OF A
10 SPECIAL ELECTION.

11 (C) IF NECESSARY TO EXPEDITE THE CONDUCT OF A SPECIAL ELECTION
12 AND SUBJECT TO THE APPROVAL OF THE STATE BOARD, THE LOCAL BOARD
13 MAY ESTABLISH A POLLING PLACE UNDER THIS SECTION DURING A PERIOD
14 WHEN A CHANGE IN POLLING PLACES IS PROHIBITED UNDER § 2-303 OF THIS
15 ARTICLE.

16 **9-505.**

17 (A) A VOTER MAY RETURN A VOTE-BY-MAIL BALLOT TO THE LOCAL
18 BOARD:

19 (1) BY MAIL;

20 (2) IN PERSON DURING REGULAR OFFICE HOURS; OR

21 (3) THROUGH A DULY AUTHORIZED AGENT IN ACCORDANCE WITH
22 SUBSECTION (B) OF THIS SECTION.

23 (B) (1) A VOTER MAY DESIGNATE A DULY AUTHORIZED AGENT IN
24 ACCORDANCE WITH § 9-307 OF THIS TITLE TO RETURN A VOTE-BY-MAIL
25 BALLOT TO THE LOCAL BOARD DURING REGULAR OFFICE HOURS.

26 (2) NOTWITHSTANDING § 9-307(B)(4)(I) OF THIS TITLE, AN
27 AGENT IS REQUIRED ONLY TO:

28 (I) WITNESS THE VOTER MARK THE BALLOT AND PLACE IT
29 IN AN ENVELOPE; AND

30 (II) RETURN THE BALLOT TO THE LOCAL BOARD.

1 **9-506.**

2 (A) A VOTE-BY-MAIL BALLOT THAT IS POSTMARKED BY 8 P.M. ON THE
3 DAY OF A SPECIAL ELECTION AND RECEIVED BY THE LOCAL BOARD NO LATER
4 THAN 5 P.M. ON THE THURSDAY AFTER A SPECIAL ELECTION SHALL BE
5 CONSIDERED TIMELY AND MAY BE COUNTED.

6 (B) A VOTE-BY-MAIL BALLOT THAT IS RETURNED IN PERSON TO THE
7 OFFICE OF THE LOCAL BOARD BY THE VOTER OR THE VOTER'S DULY
8 AUTHORIZED AGENT NO LATER THAN 8 P.M. ON THE DAY OF A SPECIAL
9 ELECTION SHALL BE CONSIDERED TIMELY AND MAY BE COUNTED.

10 (C) A VOTE-BY-MAIL BALLOT THAT DOES NOT MEET THE
11 REQUIREMENTS OF SUBSECTION (A) OR (B) OF THIS SECTION IS NOT TIMELY
12 AND MAY NOT BE COUNTED.

13 **9-507.**

14 THE STATE BOARD SHALL ADOPT REGULATIONS AS NECESSARY TO
15 IMPLEMENT THIS SUBTITLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 June 1, 2012.